

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF NORTH CAROLINA
3 EASTERN DIVISION
4

5 UNITED STATES OF AMERICA)
6)
7 V.) 4:12-CR-57-D-4
8)
9 KWAMANE MONTE EVERETT)
10
11

ORIGINAL

12 TRANSCRIPT OF SENTENCING PROCEEDINGS

13 November 18, 2014

14 9:34 a.m. - 10:12 a.m.

15 Before Chief District Judge James C. Dever III
16
17

18 APPEARANCES:

19 For the Government:
20 John H. Bennett, Esquire
21 Assistant U.S. Attorney
22 310 New Bern Avenue, Suite 800
23 Raleigh, NC 27601

24 For the Defendant:
25 Rosemary Godwin, Esquire
Rosemary Godwin Attorney At Law
434 Fayetteville Street, Suite 1740
Raleigh, NC 27601

Reported by: Leslie Christian
Stenograph with Computer-Aided Transcription

1 P R O C E E D I N G S

2 THE COURT: Ms. Godwin, are you and
3 Mr. Everett ready today?

4 MS. GODWIN: We are, Your Honor.

5 THE COURT: Mr. Bennett, is the
6 government ready?

7 MR. BENNETT: We are, Your Honor.

8 THE COURT: At this time I would ask
9 that Mr. Everett be sworn or affirmed.

10

11 KWAMANE MONTE EVERETT,
12 Was duly sworn or affirmed.

13

14 THE COURT: Mr. Everett, do you
15 understand that having been sworn that your answers to
16 my questions are subject to the penalty of perjury?

17 MR. EVERETT: Yes, sir.

18 THE COURT: Have you taken any kind of
19 medicine or other substance in the last 48 hours that
20 would affect your ability to hear and understand these
21 proceedings?

22 MR. EVERETT: No, sir.

23 THE COURT: Do you know why you're
24 here today?

25 MR. EVERETT: Yes, sir.

1 THE COURT: Ms. Godwin, do you have
2 any reason to doubt Mr. Everett's competence to go
3 forward today?

4 MS. GODWIN: No, Your Honor.

5 THE COURT: Does the government have
6 any reason to doubt Mr. Everett's competence to go
7 forward today?

8 MR. BENNETT: No, Your Honor.

9 THE COURT: Based on Mr. Everett's
10 answers to my questions, my observations of Mr. Everett
11 and the answers from counsel I find that Mr. Everett is
12 competent to go forward here today.

13 Mr. Everett, as you know, you're here
14 today having entered a plead of guilty to the charge of
15 interference with commerce by robbery and aiding and
16 abetting and using or carrying a short-barrel firearm
17 during the relation of violence and aiding and
18 abetting. These are Counts 1 and 2. You pled guilty
19 to those charges.

20 In light of some cases from the
21 Supreme Court of the United States including the
22 Booker, Rita, Gall, Kimbrough, Spears and Nelson cases
23 the guidelines are no longer mandatory, they're
24 advisory. Nevertheless, in accordance with those cases
25 and some cases from the Fourth Circuit interpreting

4 The Court does this by initially
5 making findings of fact and calculating the advisory
6 guideline range. The Court will then consider any
7 motion that might be made that might move the range
8 either up or down. The Court will then consider all
9 arguments your attorney makes and any statement you
10 would like to make, any victim allocution, any
11 arguments of the Assistant United States Attorney.
12 I'll then determine your sentence and announce it here
13 in court today. That will be the process we'll follow.
14 Ms. Godwin, did you receive a copy of the presentence
15 report?

17 THE COURT: Mr. Everett, did you
18 receive a copy of that report?

20 THE COURT: Did you speak with your
21 lawyer Ms. Godwin about that report?

23 THE COURT: At this time the Court
24 directs that the presentence report be placed in the
25 record under seal in accordance with Rule 32 of the

1 Federal Rules of Criminal Procedure. The Court accepts
2 as accurate the presentence report except its matters
3 in dispute as set forth in the addendum. The Court has
4 reviewed the entire report including the addendum. The
5 addendum indicates there are no objections from either
6 the government or the defense. Ms. Godwin, is it still
7 the case no objections from the defense?

8 MS. GODWIN: That's correct, Your
9 Honor.

10 THE COURT: Is that correct,
11 Mr. Everett?

12 MR. EVERETT: Yes, sir.

13 THE COURT: Is that still the case
14 with respect to the government as well?

15 MR. BENNETT: Yes, sir, it is.

16 THE COURT: For the purposes of Booker
17 and its progeny the total offense level is 21. The
18 criminal history category is one. The advisory
19 guideline range is 37 to 46 months on Count 1. On
20 Count 2 it is 120 months consecutive to whatever the
21 sentence is on Count 1. Does the government object to
22 that advisory guideline range?

23 MR. BENNETT: No, Your Honor.

24 THE COURT: Does the defense object to
25 that advisory guideline range?

1 MS. GODWIN: No, Your Honor.

2 THE COURT: I'll hear from the
3 government in connection with this motion under Section
4 5K1.1, 18 U.S.C. Section 3553(e).

5 MR. BENNETT: Your Honor, thank you.
6 Actually, before I start let me go ahead and put on the
7 record that in this case the victims have been notified
8 and none are present today. My motion is in front of
9 you including a recommendation again to turn to
10 Ms. Janssen about the details of Mr. Everett's
11 cooperation in the state case.

12 THE COURT: Okay.

13 MS. JANSSEN: Good morning.

14 THE COURT: Good morning.

15 MS. JANSSEN: Mr. Everett's
16 cooperation kind of fell in between timelines with
17 Mr. Haddock and Mr. Williams. We began -- Ms. Godwin
18 and I began very early on the process of him
19 cooperating and I know that she had some very long
20 discussions with him. I think it weighed very heavily
21 with him for a long time in terms of potential
22 consequences and I think not necessarily legal
23 consequences of his testifying but potential other
24 consequences.

25 In making his decision he actually

1 allowed me to come out with Ms. Godwin at one point in
2 December of 2012 I believe -- at least late in the year
3 2012 -- and talk with him for a long time without any
4 kind of an agreement in place about what -- I think he
5 wanted to get a sense of me and whether or not he could
6 trust me to keep my word. And I got to find out a
7 little bit about him and whether I could trust that he
8 would do the same.

9 Shortly thereafter after that meeting
10 he provided information in the same fashion that
11 Mr. Haddock did. He provided -- or excuse me.
12 Mr. Williams. He provided me a proffer through his
13 lawyer that detailed a number of robberies not
14 involving the homicide that I had specifically
15 requested information on. I told him I was going to
16 use that as a true test, a barometer, of how willing he
17 was to be completely forthcoming not only about
18 everyone else who's involved but his own -- and that
19 proffer was detailed. It was more than satisfactory
20 and convinced me that he would be honest and completely
21 honest about the opportunity to cooperate with the
22 homicide case.

23 So after that we went back to Ms.
24 Godwin and we said that we agreed with him -- the same
25 homicide detectives that had worked the case. He was

1 actually -- like, all three of -- all three of these
2 defendants were very forthcoming; he was truthful. He
3 did not go about any self-minimizing in his behaviors.
4 He was ultimately the driver in the robbery that
5 culminated in Mr. Mohram's homicide. He did not go
6 into the store but waited out in the vehicle and then
7 was the driver afterwards.

8 He went through taking us through the
9 maps and indicating their path of travel that evening
10 which was at that point in time very helpful for us
11 because at that point Mr. Haddock had been the only one
12 to come forward, and we were initially suspect of
13 Mr. Haddock's claim that he was not involved and of the
14 course of events that he laid out for the rest of the
15 evening.

16 Mr. Everett immediately confirmed for
17 us that Mr. Haddock was telling the truth that he was
18 not involved with that particular evening and did not
19 go with them. He also helped follow and confirm the
20 course of events as Mr. Haddock had laid them out and
21 let me know that not only was Mr. Haddock being honest
22 with us about the course of events but was being honest
23 about everything he knew about the events of that
24 evening.

25 Mr. Everett as it came out was in his

1 group place responsible for disposing of the murder
2 weapon after the homicide. It was a couple of weeks
3 after the homicide had taken place. We didn't know
4 that. That was something he volunteered to us and
5 shared with us. That was not something that
6 Mr. Haddock had shared with us, and I don't know that
7 it was something Mr. Haddock knew. But he voluntarily
8 gave us that bit of information and actually took the
9 Raleigh officers out to where he had buried it. He had
10 buried it at a home -- in the backyard of an
11 acquaintance in Durham. RPD was able to make contact
12 with the current resident of the house who was actually
13 different than the resident had been at the time. This
14 was on a very wet, cold, rainy night.

15 Kwamane and Ms. Godwin and several
16 Raleigh detectives went out with metal detectors and
17 shovels and attempted to locate the firearm. As time
18 went by and they were not having any luck Mr. Everett
19 was allowed to make some phone calls to some
20 associates, and it was learned that when the
21 acquaintance who lived in that house left the house he
22 had removed that firearm and took it with him.

23 It is not my belief that that person
24 would ever have been uncooperative in any way with the
25 State in terms of either admitting to having that

1 firearm or returning that firearm to the State. But
2 for whatever it's worth, Your Honor, I do believe with
3 what the detectives were able to verify about that
4 resident and its former resident I believe it's
5 Mr. Everett telling us the truth that it was not a wild
6 goose chase. It simply was a little too much time had
7 gone by.

8 Again, his participation in being one
9 of the people involved that night I think was very --
10 made a great impression on the jury especially speaking
11 with the jury afterwards. If all three of them had not
12 come in and told the truth and both implicated
13 themselves as well as identifying Mr. Colley the jury
14 would have been left with a good-quality video but
15 still just a surveillance video and not the kind like
16 on TV where you magically zoom in and make features
17 more clear. And I don't know that without the three of
18 them doing what they did and being as honest and
19 forthcoming as they were that we would have obtained a
20 conviction in that case.

21 I will tell you that the man who died
22 in that case was beloved among the North Raleigh
23 community. When we went out canvassing -- finding
24 folks who had been in the store the previous hours
25 before from all walks of life, races, genders and ages

Afterwards, a couple of the regulars at that store told me that their relations between the different types of people, groups of people that lived in that neighborhood and came in that store fell apart somewhat and they attributed it to his death and his lack of prejudice in the community.

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1 role in offering a different perspective to the jury.
2 I don't know that without all three of them that this
3 investigation would have been attainable.

4 THE COURT: Thank you, Ms. Janssen.
5 Mr. Bennett.

6 MR. BENNETT: Your Honor, again,
7 you've heard the summary. There were all -- I think it
8 was very well put that it was puzzling without these
9 three separate pieces of the puzzle that conviction
10 would not have happened. Because they cooperated in
11 the federal -- in the instant case which brings him
12 here today. Mr. Cooley will be answering to that soon
13 and we'll see what Mr. Cooley does. If he decides he
14 wants a jury trial then we'll see Mr. Everett again
15 along with his co-defendants in terms of continuing
16 cooperation.

17 You Honor, you're analyzing these. I
18 think Mr. Everett is probably caught in the middle
19 between Mr. Williams and Mr. Haddock. Mr. Haddock knew
20 but didn't go. Mr. Everett drove but didn't go in.
21 Mr. Williams went in and witnessed Mr. Cooley's
22 actions. But balancing all of that and the cooperation
23 involved we're going to ask again a recommendation
24 including the concurrent sentences. That is what we're
25 asking the Court to do today. Thank you. Your Honor,

1 if you have any other questions about what he's pled to
2 in State Court again I would defer to Ms. Janssen if
3 you have those questions.

4 THE COURT: Yeah, I would like to know
5 that.

6 MS. JANSSEN: Your Honor, he's plead
7 guilty to one count in relation to the theft of Hagwar
8 and robbery of the Tobacco Mart on December 2nd, 2011.
9 He plead guilty to one count of robbery. This wasn't a
10 conspiracy to commit robbery. This wasn't a deemed
11 accessory after the fact first-degree murder. He also
12 plead guilty to three separate counts of robbery with a
13 dangerous weapon on unrelated cases in the various
14 different robberies that this group participated in in
15 Wake County.

16 THE COURT: Is it all in front of
17 Judge Ridgeway?

18 MS. JANSSEN: It will all be in front
19 of Judge Ridgeway. We are attempting to get
20 Mr. Everett's sentence for tomorrow morning or Friday
21 morning.

22 THE COURT: What's your recommendation
23 on that case?

24 MS. JANSSEN: My recommendation for
25 him will be 180 months. Again, it's obviously in Judge

1 Ridgeway's discretion although he will not receive less
2 than 180 months. That will be what I will request. It
3 is my belief that that's what Judge Ridgeway will do.

4 THE COURT: Thank you. At this time
5 I'll hear from Ms. Godwin. Then I'll hear from Mr.
6 Everett.

7 MS. GODWIN: Thank you, Your Honor.
8 To follow up with Ms. Janssen for just a moment, she is
9 correct in that Mr. Everett drove with the decision to
10 cooperate and he chose the consequences unrelated to
11 the legal matters. It was a man that I can tell you
12 from spending these years with now that has only talked
13 throughout his detention about the wellbeing of his
14 family, his girlfriend Sara, the children, his
15 grandmother, his mother, his father. He very rarely
16 speaks of himself, and his worries or concerns about
17 the future are something he talks about only in context
18 with how he can become a better parent and son for his
19 family.

20 That's one of the reasons I had him
21 evaluated is because in meeting with him so many times
22 and watching him struggle emotionally to the depth that
23 he did with these circumstances I felt that he was
24 different than a lot of the individuals that I come in
25 contact with who were charged with the exact similar

1 things. Although I trust my intuition a great deal
2 after many, many years of sitting in these jails I
3 decided that Dr. Hilfy do an evaluation just to test my
4 intuition, and it was exactly as I anticipated that he
5 just doesn't fit the typical profile.

6 What made the big difference to him in
7 this decision to cooperate was when Ms. Janssen came to
8 meet with him at the Wake County Jail at looked at him
9 and said I want you to help me get justice for this.

10 I was there during that meeting and
11 she did not promise him anything. They talked a long
12 time just person to person about what happened at the
13 tobacco store, the impact it made on the family and her
14 role and her job. When she left he told me that he
15 believed he would take the risk of the consequences
16 that he faced in other ways, and he believed that she
17 did the right thing by him as well.

18 He stepped out of blind fate with
19 Ms. Janssen's presentation with him and fulfilled his
20 obligations, and he ended up with a plea agreement that
21 he believes that is a result of his role in offering
22 conduct. I will tell you that it was not a planned
23 robbery. They left and --

24 THE COURT: Which one?

25 MS. GODWIN: And this doesn't matter.

1 It doesn't matter at all but just to sort of round it
2 out, Mr. Everett was a passenger in the car that night
3 and pulled into the robbery and the other two went in
4 and while he was sitting there slid into the driver's
5 seat and became the getaway driver.

6 He was very upset and troubled
7 afterwards and, as Dr. Hilfy pointed out, throughout
8 this period of time he continued to be very troubled by
9 that. He's a young man that was not tracking to be
10 here. You've looked at his history. He had one simple
11 assault in 2008, but as pointed out he's a fairly good
12 student. He's been married twice and reserved and
13 never a troublemaker. His father sort of in a bit of
14 humor told me that they had a daughter that was running
15 wild all the time and that they could never keep her
16 out of trouble but that Kwamane was always a gentleman.
17 They would never have anticipated him moving into a
18 group of associates and becoming a part in those
19 activities.

20 Two things that were not in the memo
21 that I wanted to make the Court aware of because I do
22 think the past often predicts the future -- we've got a
23 window of criminal activity that he has to answer for,
24 and whatever sentence the Court chooses whether it's
25 what the government recommends or something in between

1 Haddock and Mr. Williams it's a substantial sentence;
2 it's a meaningful sentence and it would take a good
3 segment of this young man's life to fulfill that
4 sentence.

5 Prior to becoming involved with this
6 group he had made a decision -- as you know, he left
7 high school but went immediately and got his GED. No
8 one made him do it. He wanted it. So he went and got
9 it and then he went to enlist in the Army. He wanted
10 to be in the military, and he started out trying to get
11 into the National Guard. It's harder to get into the
12 Army now because of the economy. And he learned that
13 because he had a GED instead of a high school diploma
14 -- he passed the other entrance requirements but they
15 would not accept him without some college courses.
16 They wanted him to come back with more education, and
17 during that window, as he says, he was hanging out with
18 these guys and became more involved with them.

19 He doesn't blame marijuana use on his
20 poor decisions, but he does believe there -- he
21 describes that window of time as more marijuana use and
22 the more he was living in a fog. He did not come out
23 of that fog until he was detained. We've talked about
24 the residential drug abuse program at the Bureau of
25 Prisons which -- because of the gun charge he may not

1 ever be able to get into. If he does get into it I
2 don't believe it will allow him to get a sentence
3 reduction the way I read the website about it. But he
4 would like to be recommended for it even if it doesn't
5 benefit him on the sentence because he believes very
6 strongly that he's in need of that. I made some
7 reference in the memo to his family situation. He
8 believes he's got a genetic disposition to addiction.
9 And if it's there available to him in prison he wants
10 to take advantage of it. He has heard while he's been
11 incarcerated that other inmates have found it to be
12 extremely beneficial to them.

13 His family is here, his grandmother
14 Lucy Everett. Kwamane says she walked on water. He
15 has a great deal of respect for her. She's had a large
16 role in raising him. He would be the first to tell you
17 she did not raise him to behave in the manner that he
18 did. His father is here today, his girlfriend Sara.
19 They've been together for seven years. They have two
20 children together. I think that's important because it
21 shows that Mr. Everett has the capacity for
22 substantial, long-term, emotional relationships.

23 He thinks constantly about how he's
24 going to provide for his children when he comes home.
25 He and Sara have the maturity to recognize the

1 incarceration and what the consistent separation will
2 place on their relationship. And rather than bickering
3 about it and going through some of the antics we often
4 see with clients and girlfriends they've spent a lot of
5 time talking about how they can move over these next
6 few years and keep their commitment to each other in
7 the ways that they can and their importance to the
8 children.

9 I think that speaks well from
10 Mr. Everett's maturity. While he was in Wake County
11 Jail he was a trustee. One of Everett's family has
12 provided him some money. They're on disability. There
13 were financial issues. His girlfriend has some health
14 problems and difficulty working and he was very pleased
15 and happy to be able to be placed in the position of
16 trustee which also speaks well for how he's handled
17 himself as a gentleman while at the Wake County Jail.
18 He is asking that the Court consider a recommendation
19 for Butner and Bennettsville or somewhere close to
20 here.

21 I can tell you and Dr. Hilfy confirmed
22 it but I may be the better judge of it than him since I
23 spent so much time with him early on, but the grief of
24 being separated from his family was so overwhelming and
25 guilt -- I mean, Mr. Everett has the capacity to

1 understand right and wrong. And his gravity and his
2 guilt were so overwhelming that it took almost that
3 whole first year of representing him to get him to
4 really come into the legal situation with me. Finally
5 we got there and not because he was stonewalling but
6 because it was just all grief and guilt. That's all we
7 could talk about. I kept telling him just move on.
8 We've got to get to the case but he just -- it didn't
9 matter to him. The case itself did not matter to him
10 and the consequences legally were not driving him. It
11 was just coming to terms with the things he had done
12 and his family and what he was losing and what the
13 victim has lost. That was pretty much the whole first
14 year of our relationship.

15 I would say we got past that and got
16 to where we could move forward, and he's committed to
17 the process, committed to the cooperation and is here
18 asking this Court -- obviously we would ask that the
19 Court place the government's recommendation. We
20 understand the Court's analysis and particularly
21 listening to Mr. Williams's sentencing and trust the
22 Court to do what's appropriate for Mr. Everett.

23 THE COURT: Thank you, Ms. Godwin. At
24 this time I'll hear from Mr. Everett if you would like
25 to make a statement, sir.

1 MR. EVERETT: I would like to say that
2 at the time that this offense took place I was young
3 and really wasn't looking forward to anything in life.
4 Now I see and realize that these three years I've got a
5 beautiful girlfriend that -- with me being locked up
6 she's been with me the whole time. My family is
7 supportive. I want to apologize to them for being out
8 of their life at this time. While I'm away I'm going
9 to take advantage of everything that I can and take the
10 classes and programs and put it between myself. I just
11 want to say I apologize for my actions.

12 THE COURT: Thank you, Mr. Everett.
13 At this time I'll hear from Mr. Bennett.

14 MR. BENNETT: Your Honor, we have
15 nothing else to add. Thank you.

16 THE COURT: And Mr. Everett was -- he
17 went into the store at the Food Lion?

18 MR. BENNETT: He did.

19 THE COURT: All right, Mr. Everett.
20 The Court recognizes its obligation to impose a
21 sentence sufficient but not greater than necessary to
22 comply with the purposes set forth in the statute. I
23 have considered all arguments that Ms. Godwin has made.
24 I have considered your statement. I have considered
25 the position of the United States including the

1 government's motion under Section 5K1.1 and 18 U.S.C.
2 Section 3553(e).

3 I have considered the advisory
4 guideline range. Among other things I have considered
5 the nature and circumstances of the offense and the
6 history and characteristics of the defendant; the need
7 for the sentence imposed to reflect the seriousness of
8 the offense, to promote respect for the law and to
9 provide just punishment; the need for the sentence
10 imposed to deter others who might choose to engage in
11 the criminal behavior that brings you here; the need
12 for the sentence imposed to protect the public from
13 further crime by you; the need for the sentence imposed
14 to provide you with needed educational and vocational
15 training, medical care or other correctional treatment
16 in the most effective manner.

17 The statute lists a number of other
18 factors. I have considered them all although I won't
19 name each one individually. As for the nature and
20 circumstances of the offense, you did interfere with
21 commerce by robbery and aiding and abetting. You did
22 use or carry a short-barrel firearm during the
23 relations of the crime of violence and aiding and
24 abetting in connection with the Food Lion robbery in
25 Pitt County within the Eastern District of North

1 Carolina.

2 You were one of the individuals who
3 went into the store that night. You were holding one
4 of the weapons. Five people working there, five
5 customers in there undoubtedly terrified when they
6 realized that the store was being robbed. Certainly
7 the folks working there were just trying to make a
8 living to support their family in an honest way. The
9 people shopping there are just trying to buy food for
10 themselves and their family and a crew comes in and
11 robs a store. So it is a very serious offense of
12 conduct.

13 As for your history and
14 characteristics you're 24 years old. You did get your
15 GED. You have some work history, not too much. You
16 obviously during the offense here as the Court
17 indicates were smoking a lot of marijuana which I don't
18 believe anyone tells you was harmless. I don't believe
19 anyone tells you that that's a person's judgment. You
20 created a fog in your brain. It's poor decision
21 making. It's absolutely terrible decision making and
22 certainly I think was a contributor for you. You did
23 participate in connection with this other robbery where
24 an individual died. Again, they were just operating a
25 store. You're the getaway driver in that instance.

1 You also participated in these other robberies.

2 I have read the information about the
3 manner in which you were reared. Certainly you knew
4 better and chose to behave in a manner inconsistent
5 with what I am sure you learned growing up. You need
6 to be incapacitated. There is a need for deterrence.
7 I will give you credit. Ms. Janssen has detailed how
8 important you were in connection with the Cooley trial
9 so you'll get credit for that today. It will save you
10 a lot of time you would otherwise spend in prison.

11 At least you've tried to make right a
12 wrong that ultimately can't be made right. It looks
13 like you did what you could when you could. So I'll
14 give you credit for that today as appropriate fashion
15 and just punishment. I have granted the government's
16 motion under Section 3553(e). I have recognized the
17 need to avoid an unwarranted sentencing disparity. I
18 have taken into account the robbery that brings us
19 here, your role in cooperation, your role in the other
20 robberies, your role in connection with the robbery
21 that resulted in the homicide.

22 I have fully considered the entire
23 record in the case. Pursuant to the Sentencing Reform
24 Act of 1994 and in accordance with the Supreme Court's
25 decision, the United States v. Booker it is the

10 Upon release from imprisonment the
11 defendant shall be placed on supervised release for a
12 term of three years -- three years on Count 1 and three
13 years on Count 2. All such terms shall run
14 concurrently. Within 72 hours of release from the
15 custody of Bureau of Prisons you shall report in person
16 to the probation office in the district in which you
17 are released. Following supervised release you shall
18 not commit another federal, state or local crime. You
19 shall not illegally possess a controlled substance.
20 You shall not possess a firearm. You shall comply with
21 the standard conditions and the following condition or
22 conditions: You will participate as directed in a
23 program approved by probation for the treatment of
24 narcotic addiction. You will consent to a local search
25 in accordance with the standard conditions of the

1 district. You will cooperate in the collection of DNA.

2 I'm not going to impose a fine. If
3 you serve your sentence in the Federal Bureau of
4 Prisons you will have a job while you're incarcerated.
5 Any money you earn will go to support your children. I
6 know you've supported your children while you're
7 incarcerated.

8 Mr. Everett, you can appeal your
9 conviction if you believe that your guilty plea was
10 somehow unlawful or involuntary or there was some other
11 fundamental defect in the proceeding that was not
12 waived by your guilty plea. You also have a statutory
13 right to appeal your sentence under certain
14 circumstances particularly if you feel your sentence is
15 contrary to law. I believe you entered into a plea
16 agreement that contains an appellate waiver. I believe
17 you've waived your right to appeal your sentence. If
18 you believe the waiver is unenforceable or inapplicable
19 for any reason you can present that theory to the
20 Appellate Court. With few exceptions the notice of
21 appeal must be filed within 14 days of the judgment
22 being entered on the docket in your case.

23 If you're unable to pay the costs of
24 an appeal you may file in forma pauperis. If you so
25 request, the Court will prepare and file a notice of

1 appeal on your behalf. In accordance with the request
2 I will recommend you serve your sentence at either FCI
3 Butner or FCI Bennettsville. I will recommend the RI
4 program. I will recommend assessment and treatment as
5 needed. I recommend that you participate in vocational
6 and educational programs.

7 I do believe I've properly calculated
8 the advisory guideline range. If, however, I haven't I
9 announce as an alternative varying sentence that I will
10 impose the same sentence. I have fully considered all
11 3553(a) factors in light of U.S. v. Gomez-Jiminez 750
12 F. 3D. 370, Fourth Circuit 2014; U.S. v. Hargrove 701
13 F. 3D. 156, Fourth Circuit 2012. Are there any other
14 recommendations that you wanted to make?

15 MS. GODWIN: The only other one is if
16 the Court would consider recommending mental health
17 counselling.

18 THE COURT: I did.

19 MS. GODWIN: Okay. I missed that.
20 I'm sorry.

21 THE COURT: Mr. Bennett?

22 MR. BENNETT: Nothing further, Your
23 Honor.

24 THE COURT: I thank counsel for their
25 work here today. That will conclude the matter of

1 Kwamane Monte Everett.

2 (Proceedings adjourned at 10:12 a.m.)

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REPORTER'S CERTIFICATE

I, Leslie Christian, court reporter, do hereby
certify that the pages contained herein accurately
reflect the notes taken by me, to the best of my
ability, in the above-styled action.

This the 16th day of January 2015.



Leslie Christian,
Court Reporter